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10/529,577

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EXAMINER

NOORISTANY, SULAIMAN

ART UNIT

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2146

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--|--|--|
| Office Action Summary | Application No. 10/529,577 | Applicant(s) LEPPANEN ET AL. | |
| | Examiner SULAIMAN NOORISTANY | Art Unit 2146 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-52 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-52 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>03/30/2005, 10/17/2006</u> . | 6) <input type="checkbox"/> Other: ____. |

Detailed Action

This Office Action is response to the application (10/529577) filed on 30 March 2005.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/18/08 has been entered.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1, 3-52 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1 recite "a system of presence information and an entity, which is just software, per se." which is directed at a computer program. A computer program is non-statutory because it is not considered a process, machine, manufacture, or composition of matter, or any new and useful improvement thereof. Because the claim may be directed toward a program the claim as a whole is considered non-statutory.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a), which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Mathis** U.S Patent No. **US 6993327** in view of **Sylvain** U.S Patent App. No. **US 2004/0062383** further in view of **Philonenko** U.S Patent App. No. **US 2003/0009530**.

Regarding claim 1, 21, 23, 24, 26-28, 50-52, Mathis teaches wherein a communication system comprising:

presence information associated with at least one user (**Fig. 1, unit 102 – user A**), (*Note: Mathis discloses in abstract “A contact list (122, 124, 126, 128), associated with each communication device, identifies one or more of the other communication devices”*), However, Mathis does not explicitly teach *identifying an application for which said at least one part is intended*.

Sylvain teaches that is well known by having identifying an application for which said at least one part is intended (**the profile will typically identifying devices and their respective states to monitor, provide rules for evaluating the state information to generate the presence information, and identify individuals, system, or application authorized to receive information – [0035]**).

However, Sylvain does not explicitly teach *at least one entity to which presence information associated with said at least one user is provided, said at least one entity comprising at least one application and said at least one entity being configured to use said information to obtain the at least one part of said presence information intended for said at least one entity application of the at least one entity.*

Philonenko further teaches that is well known that to utilize said presence information comprising a plurality of parts, at least one of said parts comprising information identifying an application for which said at least one part is intended **(identification parameter (member ID number) – [0146]);** and

at least one entity to which presence information associated with said at least one user is provided, said at least one entity comprising at least one application **(entities include agents, clients, machines, and software applications – [0021]),**

said at least one entity being configured to use said information to obtain the at least one part of said presence information intended for said at least one entity application of the at least one entity **(a client may configure as many devices into the system as desired for enabling agent callbacks under a variety of circumstances – [0119]).**

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mathis's invention by utilizing the presence applications will subscribe to the presence server to receive status updates for one or more users via the subscriber management logic. Based on the subscription, the presence server will receive state information from the various devices, evaluate the state information to

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generate presence information using rules in the rules management logic, and deliver the presence information to the subscribing presence application. The device management logic will control interaction with the various devices providing state information. Such control may include configuring the device to provide the state information in a specified manner and format. The provisioning logic facilitates provisioning of the subscriber management logic, rules management logic, and device management logic. Provisioning may include establishing a profile for the user providing presence information. The profile will typically identifying devices and their respective states to monitor, provide rules for evaluating the state information to generate the presence information, and identify individuals, system, or application authorized to receive information. The control system 52 is also associated with a network interface 62 for facilitating communications over the packet-switched network, as taught by Sylvain.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mathis's invention by utilizing software (application) which is monitoring and reporting application and providing for reporting presence information of networked entities in real time. In addition, the application includes a software agent for generating a presence information model; a data store for storing presence information tuples; and a monitor for detecting presence information updates and for synchronizing the updates with information in the data store. Furthermore, while presence information is flexible and useful for reporting information about agents to clients and about clients to agents, it has occurred to the inventors that there also exists

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an opportunity for using such a presence protocol for managing the communication center itself in terms of internal policy, and member-to-member communication within the center whether agent-to-agent, machine-to-machine, agent-to-machine, or machine-to-agent, as taught by Philonenko.

Regarding claims 3 & 38, Mathis, Sylvain and Philonenko together taught the system as in claims 1, 21, 23, 24, 26-28, 50-52 above. Mathis further teaches wherein said entity is configured to direct said at least one part of said information to the identified entity application **(Fig. 2, unit 260 -- Fig. 2, unit 260 – each client device configures itself to receive multicast messages send to the multicast addresses)**.

Regarding claim 4, Mathis, Sylvain and Philonenko together taught the system as in claims 1, 21, 23, 24, 26-28, 50-52 above. Philonenko further teaches wherein said entity comprises an application engine **(software agent – [0023])**, which is configured to direct said at least one part of said information to the identified entity application **(every client subscribing to the system of the present invention is provided with at least an identification parameter (member ID number). In this way, data obtained and stored from internal and external sources is easily identifiable to a particular client – [0146])**.

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Regarding claims 5, 29, & 40, Mathis, Sylvain and Philonenko together taught the system as in claims 1, 21, 23, 24, 26-28, 50-52 above. Philonenko further teaches wherein said entity is a user **(Fig. 5, unit 129, 133, 139)**.

Regarding claim 6, Mathis, Sylvain and Philonenko together taught the system as in claims 1, 21, 23, 24, 26-28, 50-52 above. Philonenko further teaches wherein said entity is configured to receive said at least one part of said information in response to a request from entity **(Instant messages propagated back and forth between entities can be response notifications based on requests of a principle, or pushed as periodic status change notifications to a monitoring application – [0189])**.

Regarding claim 7, Mathis, Sylvain and Philonenko together taught the system as in claims 1, 21, 23, 24, 26-28, 50-52 above. Philonenko further teaches wherein said at least one user comprises at least one application **(Fig. 5)**.

Regarding claims 8 & 30, Mathis, Sylvain and Philonenko together taught the system as in claims 1, 21, 23, 24, 26-28, 50-52 above. Mathis further teaches wherein the at least one user comprises a presence engine **(A user may connect to an IM server to establish and download presence information – Col. 2, lines 62-65)**.

Regarding claims 9 & 31, Mathis, Sylvain and Philonenko together taught the system as in claims 1, 21, 23, 24, 26-28, 50-52 above. Mathis further teaches wherein said at

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least one application is configured to register with said presence engine said information identifying said application **(Each client device 102, 104, 106, 108 includes a contact list 122, 124, 126, 128 (a.k.a. a buddy list) that is capable of identifying one or more of the other client devices connected to the communication network – Col. 3, lines 42-45).**

Philonenko further teaches wherein “register” **(Fig. 9, “Add/Edit Information” steps -- 127, 129, 131, & 133)**

Regarding claims 10, 32 & 39, Mathis, Sylvain and Philonenko together taught the system as in claims 1, 21, 23, 24, 26-28, 50-52 above. Mathis further taught wherein at least one of said at least one application and said presence engine is configured to add said identifying information to at least one part of the presence information **[Please see above rejections claims 8 & 9].**

Regarding claim 11, Mathis, Sylvain and Philonenko together taught the system as in claims 1, 21, 23, 24, 26-28, 50-52 above. Mathis further teaches wherein 1, wherein said at least one user comprises user equipment **(Fig. 1, units 102, 104, 106, & 108).**

Regarding claims 12 & 33, Mathis, Sylvain and Philonenko together taught the system as in claims 1, 21, 23, 24, 26-28, 50-52 above. Philoneko further teaches wherein said presence information comprises at least one of the following parts of information:

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subscriber status; network status; communication means; contact provided location; network provided location; text; priority; favorite color (**Fig. 6, unit 99 and 101; Fig. 7**).

Regarding claims 13, 34 & 43, Mathis, Sylvain and Philonenko together taught the system as in claims 1, 21, 23, 24, 26-28, 50-52 above. Mathis further teaches wherein the system operates in accordance with a session initiation protocol (**SIP – [0100]**).

Regarding claims 14, 35 & 44, Mathis, Sylvain and Philonenko together taught the system as in claims 1, 21, 23, 24, 26-28, 50-52 above. Mathis further teaches wherein said part of information comprises a tuple (**Fig. 11, unit 1107 -- Tuples**).

Regarding claims 15, 36 & 45, Mathis and Philonenko together taught the system of claim 14, as described above. Mathis further teaches wherein said tuple comprises **[see above rejection]**;

Philonenko further teaches wherein information identifying said user and said application identifying information (**every client subscribing to the system of the present invention is provided with at least an identification parameter (member ID number) – [0146]**).

Regarding claims 16, 41 & 46, Mathis, Sylvain and Philonenko together taught the system as in claims 1, 21, 23, 24, 26-28, 50-52 above. Philonenko further teaches

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wherein said entity is configured to request only one or more parts of said presence information processed by one or more applications of said entity **(Fig. 3)**.

Regarding claims 17, 19, 47 and 49, Mathis, Sylvain and Philonenko together taught the system as in claims 1, 21, 23, 24, 26-28, 50-52 above. Philonenko further teaches wherein a filtering is provided to provide only the requested parts of said presence information. **(filtering status information that closely matches a user request – [0056])**.

Regarding claims 18 & 48, Mathis, Sylvain and Philonenko together taught the system as in claims 1, 21, 23, 24, 26-28, 50-52 above. Philonenko further teaches wherein said filtering unit is provided in at least one of a server **[see above rejection claim 17 & 19]**, a presence server: and said at least one user **(presence server – [0066]; Fig. 1)**.

Regarding claim 20, 22 and 25, Mathis and Philonenko together taught the system of claim 1, as described above. Mathis further teaches wherein said entity application is configured to process the at least one part of the presence information that comprises information identifying said entity application **(a presence service that distributes information on user status – Col. 2, lines 50-51; Each client device 102, 104, 106, 108 includes a contact list 122, 124, 126, 128 (a.k.a. a buddy list) that is identifying one or more of the other client devices connected to the communication network – Col. 3, lines 42-45)**

Regarding claim 37, Mathis, Sylvain and Philonenko together taught the system as in claims 1, 21, 23, 24, 26-28, 50-52 above. Mathis further teaches wherein said at least one entity is configured to receive said at least one part of said information (**Fig. 2, unit 260 – each client device configures itself to receive multicast messages**).

Response to Amendment

Applicant's arguments with respect to claim(s) 1, 3-52 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sulaiman Nooristany whose telephone number is (571) 270-1929. The examiner can normally be reached on M-F from 9 to 5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Pwu, can be reached on (571) 272-6798. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sulaiman Nooristany 04/22/2008

/Joseph E. Avellino/

Primary Examiner, Art Unit 2146